

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JAMES CHEEKS,

Case No. 25-cv-1593 (LMP/JFD)

Plaintiff,

v.

ORDER

KIA AMERICA, INC.,

Defendant.

Plaintiff James Cheeks (“Cheeks”) originally brought this lawsuit in Minnesota state court, *see* ECF No. 1-1, and Defendant Kia America, Inc. (“Kia”), subsequently removed the case to this Court on April 21, 2025, *see* ECF No. 1. The same day, Kia provided notice to the Judicial Panel on Multidistrict Litigation (“JPML”) that this case may be appropriate to transfer to the Central District of California, where several other similar cases were previously centralized for multidistrict litigation. *See In re: Kia Hyundai Vehicle Theft Mktg., Sales Pracs., & Prods. Litig.*, No. 8:22-md-3052 (J.P.M.L.), ECF No. 289. On April 23, 2025, the JPML issued a conditional transfer order (“CTO”) directing that this case be transferred to the Central District of California. *Id.*, ECF No. 290. Cheeks opposes centralization and has moved the JPML to vacate the CTO. *Id.*, ECF No. 295. Cheeks’s motion remains pending as of the date of this order.

Kia now moves this Court to stay these proceedings pending resolution of Cheeks’s motion before the JPML or, in the alternative, to dismiss Cheeks’s complaint pursuant to

Federal Rules of Civil Procedure 12(b)(6) and 9(b). ECF No. 6. Cheeks opposes Kia's motion to dismiss but does not oppose Kia's request for a stay. *Id.* at 1–2.

Having considered Kia's filing, the Court grants Kia's unopposed request to stay these proceedings pending the JPML's resolution of Cheeks's motion to vacate the CTO. Given this resolution, the Court denies without prejudice Kia's alternative request to dismiss this case. Once the JPML issues a decision regarding the CTO, the stay will be lifted as set forth below. If the JPML determines that this case should not be transferred, Kia may then refile its motion to dismiss or otherwise respond to Cheeks's complaint.

ORDER

Based on the foregoing, and on all the files, records, and proceedings in this matter, **IT IS HEREBY ORDERED** that Kia's Motion to Stay or, in the Alternative, to Dismiss Plaintiff's Complaint (ECF No. 6) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Kia's request that these proceedings be stayed is **GRANTED**;
2. This matter is **STAYED** pending resolution of Cheeks's motion before the JPML to vacate the CTO;
3. If the JPML vacates the CTO, the parties shall file a joint letter within ten days of the JPML's decision to update the Court on the status of the case and how the parties wish to proceed, including a proposed briefing schedule for any anticipated Rule 12 motion;
4. If the JPML does not vacate the CTO, the stay will automatically expire within ten days of the JPML's decision;

5. Kia's request that this case be dismissed pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b) is **DENIED WITHOUT PREJUDICE**; and
6. Kia may refile a motion to dismiss when the stay is lifted.

Dated: May 22, 2025

s/Laura M. Provinzino
Laura M. Provinzino
United States District Judge